

1638

Attorney's Docket No. 35718/260673 .

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor:	Herrmann <i>et al.</i>	Confirmation No.:	4095
Appl. No.:	10/617,978	Art Unit:	1638
Filed:	July 11, 2003	Examiner:	Not yet assigned
For:	ORALLY ACTIVE PESTICIDAL BIOPEPTIDES		

November 18, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT  
CITATION UNDER 37 C.F.R. § 1.97**

Sir:

Attached is a list of documents on form PTO-1449. In accordance with the Office waiver published July 11, 2003, copies of the cited U.S. patents and patent application publications are not enclosed. Applicant does enclose copies of any cited foreign patent documents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

It is requested that the Examiner consider these documents and officially make them of record in accordance with the provisions of 37 C.F.R. § 1.97 and Section 609 of the MPEP. By submitting the listed documents, Applicant in no way makes any admission as to the prior art status of the listed documents, but is instead submitting the listed documents for the sake of full disclosure.

Respectfully submitted,

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**CERTIFICATE OF MAILING**

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Lynda-Jo Pixley

Substitute for form 1449/PTO  
(Revised 04/2003)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**  
(Use as many sheets as necessary)

Sheet 1 of 2

Complete if Known

Application Number	10/617,978
Filing Date	July 11, 2003
First Named Inventor	Herrmann
Group Art Unit	1638
Examiner Name	Not yet assigned
Attorney Docket Number	35718/260673

**U. S. PATENT DOCUMENTS**

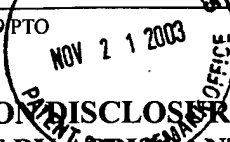
Examiner Initials*	Cite No.	Document Number Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages of Relevant Figures Appear
	1	US-5,177,308	01-05-1993	Barton <i>et al.</i>	
	2	US-5,689,043	11-18-1997	Broekaert <i>et al.</i>	
	3	US-6,127,336	10-03-2000	Bulet <i>et al.</i>	

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No.	Foreign Patent Document Country Code - Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	English Language Translation Attached
	4	WO 93/05153	03-18-1993	Imperial Chemical Industries PLC		
	5	WO 97/30082	08-21-1997	Rhone-Poulenc Agrochimie		
	6	WO 99/09189	02-25-1999	Rhone-Poulenc Agro		
	7	WO 00/24772	05-04-2000	E.I. Du Pont De Nemours and Company		
	8	WO 00/32777	06-08-2000	E.I. Du Pont De Nemours and Company		
	9	WO 00/78957	12-28-2000	E.I. Du Pont De Nemours and Company		
	10	WO 00/78958	12-28-2000	E.I. Du Pont De Nemours and Company		

Examiner Signature		Date Considered	
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\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449 PTO (Revised 04/2003)					
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)				<b>Complete if Known</b>	
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				Group Art Unit	1638
				Examiner Name	Not yet assigned
Sheet	2	of	2	Attorney Docket Number	35718/260673

OTHER DOCUMENTS			
Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	English Language Translation Attached
	11	BIN, Y., <i>et al.</i> , "Insect-Resistant Tobacco Plants Expressing Insect-Specific Neurotoxin AaIT," <i>Chinese Journal of Biotechnology</i> , 1996, pp. 67-72, Vol. 12(2).	
	12	BROEKAERT, W.F., <i>et al.</i> , "Antimicrobial Peptides from Plants," <i>Critical Reviews in Plants Sciences</i> , 1997, pp. 297-323, Vol. 16(3).	
	13	GAO, A., <i>et al.</i> , "Fungal Pathogen Protection in Potato by Expression of a Plant Defensin Peptide," <i>Nature Biotechnology</i> , 2000, pp. 1307-1310, Vol. 18.	
	14	LAPIED, B., <i>et al.</i> , "Biophysical Properties in Scorpion $\alpha$ -Toxin-Sensitive Background Sodium Channel Contributing to the Pacemaker Activity in Insect Neurosecretory Cells (DUM Neurons)," <i>European Journal of Neuroscience</i> , 1999, pp. 1449-1460, Vol. 11.	
	15	PANG, S., <i>et al.</i> , "Expression of a Gene Encoding a Scorpion Insectotoxin Peptide in Yeast, Bacteria and Plants," <i>Gene</i> , 1992, pp. 165-172, Vol. 116.	
	16	STEWART, L.M.D., <i>et al.</i> , "Construction of an Improved Baculovirus Insecticide Containing an Insect-Specific Toxin Gene," <i>Nature</i> , 1991, pp. 85-88, Vol. 352.	
	17	ZLOTKIN, E., <i>et al.</i> , "AaIT: From Neurotoxin to Insecticide," <i>Biochimie</i> , 2000, pp. 869-881, Vol. 82.	
	18	ZLOTKIN, E., <i>et al.</i> , "Oral Toxicity to Flesh Flies of a Neurotoxic Polypeptide," <i>Archives of Insect Biochemistry and Physiology</i> , 1992, pp. 41-52, Vol. 21.	

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